

**Municipal Review Committee  
Planning & Zoning Conference Room**

**October 17, 2005  
7:00 p.m.**

**Municipal Review Committee Meeting Minutes of October 17, 2005**

Attendance: Matt Balling, MRC Chairman Paul Shear, MRC Member  
Richard Bigler, MRC Member Louis Depowski, MRC Member  
Richard McNamara, MRC Member John Moulin, MRC Member  
Lisa Bertino-Beaser, MRC Member Jim Callahan, MRC Member  
Gary Jason Norm Castine  
Jim Ramsey Marc Mussachio  
Mary Powell

ACTION: Motion made by Matt Balling, seconded by Paul Shear to approve change in agenda: item 4.f. moved to item 7.

VOTING: Ayes: ALL MOTION PASSED

**Minutes of the September 19, 2005 Meeting**

ACTION: Motion made by Matt Balling, seconded by John Moulin, that the board TABLE the minutes as the summary is lacking some of the discussion.

VOTING: Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

MOTION PASSED

**Communications:**

Matt Balling advised he received correspondence from the law firm representing the Casilio Office Building. This item will be TABLED per the request he received.

**Sub-Committees:**

Matt Balling advises there are no Sub-Committees to date.

**Unfinished Business**

**Agenda Item 4.a. – Casilio Office Building, 8755 Sheridan Drive**

Matt Balling advises that the applicants have requested this item to be tabled.

ACTION: Motion by Matt Balling, seconded by Richard McNamara, to **TABLE** further discussion on this project.

VOTING: Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler

Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

**Agenda Item 4.b. – Stage/Schurr Subdivision**

Applicant is present. Matt Balling advises that this item was TABLED from a previous October 2005 meeting due to 2 items of concern. The first item is the land use and the construction activity that was occurring adjacent to this property on the other side of the Town of Newstead town line. The second item was a pending archeological study that was identified as necessary by the DEC via correspondence from February 2004. On the matter of the activity at the Town of Newstead side of the site, the board was made aware, by the Clarence Planning and Zoning Dept., that the site is an old quarry and is under subject to remediation plan and a single family house is being built there. This information appears to be a non-issue at this time since there is nothing official on the records saying that there would be anything bigger or more significant than that. Regarding the second item, Matt Balling sites a letter from the DEC dated 2-17-04. The letter indicates that a DEC jurisdiction permit is required due to the wetlands on the site. An appropriate archeological investigation must be conducted in order to satisfy the New York State Historic Preservation Act. To date, the Town of Clarence has not received any such archeological study. Matt asks if the applicant was aware of this letter. The applicant advises he is currently working on this issue with the engineer of the project. He hopes it will not “hold things up tonight.” Matt Balling advises that under the Environmental Quality Review Act significant impacts on archeological issues is a significant consideration that has to be made on whether you issue a negative or a positive declaration. He advises that he would be more comfortable if the Town had the study prior to making any recommendation for a positive or negative declaration. The applicant asks if he could do that on a contingency, Matt Balling advises it would be better for the Town if we had the study prior to acting. With the exception of the archeological study, Matt Balling advises that he is satisfied with the efforts to prepare a good site plan. The only pending item on this project is the archeological study.

**ACTION:** Motion by Matt Balling, seconded by Paul Shear, to **TABLE** this agenda item pending the archeological study.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

**Agenda Item 4.c. – Castine Open Development Area, 7050 Goodrich Rd.**

Matt Balling has questions on the agricultural district, specifically, whether there will be an issues hooking into public utilities since this is in an agricultural district. He has investigated

this further and has found the applicant is not under any controls as to whether or not he can hook into public water or sewer in that location. The applicant advises there is no sewer.

The project was sent out for a 30-day comment period, which is required by the Town. No responses have been received. Matt Balling advises that the project, as it is presented, does not appear to have any potentially large environmental impacts. All members of the MRC agree.

**ACTION:** Motion by John Moulin, seconded by Louis Depowski, to recommend the Town Board issue a negative declaration.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

#### **Agenda Item 4.d. – Lakeside Industrial Business Park**

Jim Callahan provides an update on the project. The project was sent out for coordinated review, the EAF was amended to reflect on-sight sanitary disposal. With this change the project was sent for coordinated review on September 28, 2005 and is still in the review period. A letter was received from William A. Schutt who is representing the applicant. The letter states that they are aware they were on the MRC agenda, however, they understand that the 30 day comment period under SEQR is not expired and that it may be premature to discuss the project at this time, therefore it would be their preference to discuss the project at the next MRC meeting in November 2005. In the meantime if there were any correspondence received regarding the project they would like it forwarded to their office so they have ample time to address it.

Matt Balling asks if there are any concerns from the committee members regarding this project that should be brought to the attention of the Town now, rather than at a later date. The committee agrees there are no further concerns.

**ACTION:** Motion by Matt Balling, seconded by Richard McNamara, to TABLE this agenda item pending the 30-day comment review period expiration date of 10-28-05.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

#### **Agenda Item 4.e. – Adequate Public Facilities Local Law/Amendments to Master Plan 2015**

Jim Callahan passed out an e-mail regarding an update to the project. The e-mail is from the consultant. The Planning Board had a series of questions; the e-mail reflects those questions and

the responses. It basically identifies that the law is still in the review process. He feels it is premature to act on this agenda item, at this point.

**ACTION:** Motion by Matt Balling, seconded by Rich Bigler, to **TABLE** this agenda item since the environmental review process will not make a decision until they resolve and obtain a final draft.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

### **New Business**

#### **Agenda Item 5.a. – Jim Ramsey, 10748 Main Street Demolition Permit**

Mr. Jim Ramsey is present and speaks to the committee. He bought the lot 10 years ago. He provided details of the work he has done to the house, it has cost him \$90,000. He had his office in the house for a while, and then he rented it to tenants, some of them problematic. If he rents the house now his return on the investment is less than 4%. He indicates, "It's just not worth renting it." He recently had 2 potential buyers, but both deals fell through. He is upset as to why it is taking so long for the "meeting process". He submitted his application in July 2005.

**ACTION:** Motion by Matt Balling, seconded by Paul Shear, to recommend the Town Board issue a negative declaration on this agenda item.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED**

#### **Agenda Item 5.b. – David DeMarie Dance Studio, 8965 Sheridan Drive**

Marc Mussachio and Mary Powell are present. Matt Balling advises that the Town Board referred this project to the MRC because it has to comply with the State and Environmental Quality Review Act. This is an unlisted action. The MRC reviewed Part 1 of the form and there are 3 items that need to be revised before the form goes out. The first item is #8, it states, "What is the depth of the water table?" The reply needs to be in feet (digits), it currently indicates "seasonal costs". The second item is the intention to build a retention pond and injection well, Matt Balling asks for an explanation on this item. Marc Mussachio advises that he has to detain and filter that system prior to injecting it into the ground. Matt Balling advised that the pond and the mounding would be a potential "eye-sore" along Sheridan Dr., he asks Mr. Mussachio if there is anything he can do to address this issue. Mr. Mussachio advises that part of the plan is to try and retain some of the planting that he has along Sheridan Dr. so that the visual impact from the road should be fairly limited. It will depend on the actual size of the pond, which has not

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been determined yet because the full engineering on the pond is not complete. A landscaping plan is suggested. The third item is on page 5. There is a list of all of the boards, departments and agencies that are required to obtain permits from. Matt Balling advises that there are 2 agencies that are not on the form and should be. The first one is the State Agency for DOT and DEC and the second is an EPA license.

**ACTION:** Motion by Matt Balling, seconded by Richard McNamara, to recommend that the MRC solicits that the Town seek agency status according to the review, pending the changes previously outlined, prior to it going out to interested agencies.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED.**

**ACTION:** Motion by Matt Balling, seconded by John Moulin, to withdraw the previous motion.

**VOTING:** Ayes: Balling, McNamara, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser

**MOTION PASSED.**

**ACTION:** Motion by Matt Balling, seconded by Richard Bigler, that the MRC recommend that the Town Board solicit agency status as conducted under a coordinated review and the three changes that were outlined be reflected in the Part 1 when it is mailed out.

**VOTING:** Ayes: Balling, Depowski, Moulin, Shear, Bigler  
Nays: None  
Abstain: Bertino-Beaser, McNamara

**MOTION PASSED**

**Agenda Item 5.c. – New York Planning Federation Land Use Training**

Matt Balling advises that each member of the MRC will be required to complete a self-administered Land Use training exercise by July 1, 2006. It will start in January 2006. Matt Balling does not have the document with the information regarding the training. He will forward a copy of it along with a memo from Pat Powers to each member.

**Agenda Item 6. – Establish next meeting date**

The Board established their next meeting date as November 21, 2005 at 7 p.m. with a 6:30 p.m. work session.

**Agenda Item 7. – Miscellaneous**

Matt Balling advises there is a Residential Home Building Cap issue to discuss. He does not have the previous minutes to refer to. Matt Balling recalls that the discussion was regarding the implications of the Heise-Brookhaven Sewage Works Corporation and the impact it would have on a Residential Home Building Cap. The committee also talked about existing infrastructure and capacities in regards to the building cap. Matt distributed a copy of the Citizens Advisory Committee Report on school buildings from January 10, 2005. This is a report that the committee presented to the school board. In the report it is stated that as far as the high school is concerned they are looking at serving a future enrollment of 1,750 students in 2015. Matt feels that this report is relative because one of the things that they predicate for the school's enrollment projection is that there is a relationship between the Building Cap and their projected enrollment. In Matt's opinion and calculations the enrollment figure will be reached by 2009, thus absorbing the new capacity (for the school) in 4 years. He thinks this is a significant survey that the Building Cap needs to address. Paul Shear thinks the real concerns are, not the \$300,000-\$400,000 homes that are being built, but the existing or second tier homes, these are the homes that have children. Paul Shear does not see how the numbers associated with the schools can or should drive this decision. Matt Balling feels relatively confident that the agreement with Heise-Brookhaven can be satisfied. Paul Shear does not want to be part of a recommendation that would compromise the ability of any other contractor/builder that would preclude them from building in this town. Matt advises that the committee has been charged with reviewing/studying the "cap" and provide any recommendation to change it, increase it or lower it. Paul Shear advises that a recommendation by the Building Cap does not necessarily mean that it has to be a lower number; it doesn't mean it even has to be a different number from what currently exists. All it means is that it has to be a reasonable and defensible number. Matt Balling suggests that the board forward some findings to the Town Board that make sense and at the bare minimum can preserve our existing policy. Richard Bigler suggests placing a fee on the residential permits just like they do with the parks. The fee would have to be fairly significant to be able to make a difference.

Motion by Matt Balling, seconded by Paul Shear, to adjourn the meeting at 8:35 p.m.